

WELCOME SPEECH BY THE MINISTER OF JUSTICE OF THE REPUBLIC OF CROATIA

Distinguished President of the Croatian Association of Criminal Sciences and Practice, Mrs Đurđević,
Distinguished State Attorney General, Mr Jelenić,
Distinguished Judge of the Supreme Court of the Republic of Croatia, Mr Tripalo,
Honourable representatives of the institutions and bodies of the European Union,
Honourable colleagues from the ministries of justice of the Federal Republic of Germany, the Kingdom of Belgium, and the Kingdom of the Netherlands,
Esteemed members of academia,
Experts from state institutions of the Republic of Croatia,
Ladies and Gentlemen,

It is both an honour and great pleasure to welcome you here today, both on my own behalf and on behalf of the Ministry of Justice.

It is an exceptional honour to be able to address you as part of this conference that gathers prominent jurists, legal authorities, experts, and particularly people who are acquainted with this challenging, profoundly complex, and novel topic that has appeared on the European horizon and that represents a new direction and fresh momentum both at the level of the European Union and in national criminal legislation.

In terms of the implementation of Council Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office, I am sure that we can agree that it takes the form of neither the classic implementation of the legislation of the European Union nor of a classic Regulation—although by its nature it is a legal act that is obviously directly applicable—and that a novel approach is required in which implementation will proceed in stages.

Please allow me comment briefly on the adoption of the Regulation implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office. The need to establish such a body in the European Union, which will be responsible for criminal prosecution to protect the financial interests of the European Union, as pointed out in the introductory part of the Regulation, arises from a large number of criminal offences that result in extensive damage to the Union every year. Member States must protect the financial interests of the European Union, but national procedures are insufficient to keep pace with the problem. We can also present this challenge in figures: Member States lose at least EUR 50 billion in VAT revenues on account of cross-border fraud, while in 2015 alone EUR 638 million of EU structural funds were misappropriated.

Although bodies such as EUROJUST, EUROPOL and OLAF have played and still play a strong role and have made significant contributions, albeit without the authority to investigate and prosecute criminal offences, it is clear that in order to investigate, prosecute, and bring to judgment the perpetrators of criminal offences against the European Union and offences inextricably linked to them, the time has come to establish a new body with powers to combat such criminal offences and their perpetrators, now at the Union level. The extent of the challenge is evident from the duration of the negotiations that preceded the adoption of the Regulation as they lasted three and a half years. It is important to point out that the Republic of Croatia was one of the 16 Member States that notified the European Parliament, the Council, and the Commission on 3 April 2017 that it wanted to implement enhanced cooperation. Further, we should emphasise that from the earliest phases, at a time when the position of the Republic of Croatia was being forged, we maintained non-stop contact with the State Attorney's Office of the Republic of Croatia in view of the comprehensive and very complex subject matter, and its contribution in that respect was very significant.

In relation to the steps we have taken at the national level to meet our obligations arising from the Regulation and to integrate the European Public Prosecutor's Office into the national judiciary, I can say that we are keeping pace with the establishment of the Office at the European level and acting systematically in stages and I would like to point out that at the moment our focus is on the selection of three national candidates for the European Public Prosecutor. For this purpose, we have also adopted the "Ordinance on the Conditions and the Procedure for Nominating Candidates for the Appointment of European Public Prosecutor". The said Ordinance served to establish a four-member commission: two members are from the ranks of Deputy State Attorney General, one member is a judge of the Supreme Court, one member is a representative of law schools in the Republic of Croatia, with the Minister of Justice as the president of the Commission. I am pleased to say that we have drawn up a list of candidates and submitted it to the Government of the Republic of Croatia so that it might select three national candidates who will be proposed to the Council of the European Union for the position of European Public Prosecutor from the Republic of Croatia. Our next step, considering that we are also following the tempo of the working group that holds its meetings in Brussels, which includes our experts, concerns European Delegated Prosecutors. At this moment, there are certain preliminary ideas to include this category of prosecutor within the Office for the Suppression of Corruption and Organised Crime in a way that conforms with and fulfils the requirements set out in the Regulation. What I mean by this, first and foremost, is that European Delegated Prosecutors must be active members of the public prosecution service from their appointment to the moment they are dismissed and that their independence must be beyond doubt, since they must follow only the direction and instructions of the Permanent Chamber in

charge of a case and the instructions of the supervising European Prosecutor for as long as they work on cases within the jurisdiction of the European Public Prosecutor's Office. As has been the case up to now, we see the State Attorney's Office of the Republic of Croatia as one of our key consulting partners in defining the national model of organisation, in terms of the decentralised level of the Office, with a view to achieving the most successful integration of the Office and implementation of the Regulation, while at the same time acknowledging that we must not undermine the national structure of public prosecution.

In relation to the very important question of selecting the European Chief Prosecutor, which is one of the conditions for the further organisation of the Office, we are aware that consultations are still underway between the Council of the European Union and the European Parliament. The Republic of Croatia also has an important role as part of the Presidency trio negotiating on behalf of the Council, but we hope that we shall reach the required agreement and that the selection will not be politicised, since we have to bear in mind our common goal, which is for the European Public Prosecutor's Office to become operational in late 2020, so that it might begin exercising its powers set out in the Regulation for the wellbeing of the European Union.

As we can see, the process of establishing and integrating the Office and fulfilling the requirements of an institutional and procedural nature, as well as the challenges concerning cooperation, is very complex and multi-layered, which is why the timing of this international conference could not have been better. We are also pleased to have so many representatives of Member States here to facilitate an exchange of experience and to hear experts from academia, institutions and bodies of the European Union, and legal practitioners.

I hope that the presentations, positions and opinions we will hear over the next two days of the conference will provide a comparative, multidisciplinary but also comprehensive overview that will serve to broaden the ideas and the direction of our actions to successfully tackle the procedural challenges entailed in the integration of the European Public Prosecutor's Office into the national judiciary because, although we have come a long way, we still have a lot of work to do.

Let me thank once again the Croatian Association of Criminal Sciences and Practice and the European Anti-Fraud Office for organising this international conference.

Thank you.

Dražen Bošnjaković
Minister of Justice of the Republic of Croatia